

Atty Dkt.: 213202.00506

### PATENT APPLICATION

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	•	Examiner: Matthews, W.
IAN M. PENN, ET AL.	)	
	:	Group Art Unit: 3738
Appln. No.: 10/849,990	)	-
	:	
Filed: May 21, 2004	)	Confirmation No.: 8691
	:	
For: EXPANDABLE STENT AND	)	
METHOD FOR DELIVERY	:	
OF SAME	)	December 3, 2004

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

# INFORMATION DISCLOSURE STATEMENT

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56 and in accordance with the practice under 37 C.F.R. §§ 1.97 and 1.98, the Examiner's attention is directed to the documents listed on the enclosed Form PTO/SB/08A and PTO/SB/08B. In accordance with current practice, copies of the listed U.S. Patent documents are not

being provided.

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#### FORMAL MATTERS

In accordance with 37 C.F.R. § 1.97(c), an information disclosure statement shall be considered by the Office if filed after the period specified in paragraph (b) of this section, provided that the information disclosure statement is filed before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application, and it is accompanied by

one of: (1) The statement specified in paragraph (e) of this section; or (2) The fee set forth in § 1.17(p).

Therefore, the Commissioner is hereby authorized to charge Deposit

Account No. 50-1710 the fee of \$180.00 which is set forth in § 1.17(p). Also, the

Commissioner is authorized to charge any additional fees which may be deemed to be appropriate or to provide any refunds in connection with this paper to the same Deposit Account.

## CONCLUSION

It is respectfully requested that the above information be considered by the Examiner and that a copy of the enclosed Forms PTO/SB/08A and PTO/SB/08B be returned indicating that such information has been considered.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202)-625-3500. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

Attorney for Applicant Richard P. Bauer

Registration No. 31,588

PATENT ADMINISTRATOR
KATTEN MUCHIN ZAVIS ROSENMAN
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Suite 1600
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PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

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Substitute for form 1449/P10

Sheet

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

of 2

Complete if Known			
Application Number	10/849,990		
Filing Date	May 21, 2004	-	
First Named Inventor	lan M. Penn		
Art Unit	3738		
Examiner Name	William H. Mathews		
Attomey Docket Number	213202-00506		

				DOCUMENTS	
Examiner Initials*	Cite No. <sup>1</sup>	Document Number  Number-Kind Code <sup>2 (fl known)</sup>	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		<sup>US-</sup> 5,345,057	09-06-1994	Muller	
		<sup>US-</sup> 5,073,694	12-17-1991	Tessier et al.	'
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		FOREIGI	N PATENT DOCL	IMENTS		
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document  Country Code <sup>3</sup> "Number <sup>4</sup> "Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	L <sub>e</sub>
		EP 0 714 641 A2	06-05-1996	Advanced Cardiovascular Systems, Inc.		
·			<u> </u>			

Examiner		Date	
Signature		Considered	
-			

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). See Kinds Codes of USPTO Patent Documents at <a href="https://www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. Applicant is to place a check mark here if English language Translation is attached.

Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

PTO/SB/08B (08-03) Approved for use through 07/31/2006. OMB 0651-0031

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Art Unit	3738	
Examiner Name	William H. Mathews	
Attorney Docket Number	213202-00506	
	Filing Date First Named Inventor Art Unit Examiner Name	

	NON DATENT LITEDATUDE DOCUMENTS	
Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	EPO decision revoking European Patent No. EP-B-0888093, December 17, 2003.	
	Cite No.1	the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.  EPO decision revoking European Patent No. EP-B-0888093, December

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Signature	Considered	

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